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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/665,018 | 09/19/2000 | Patrick Taylor | 05456.105007 | 4902 |

7590 03/12/2004
King & Spalding
191 Peachtree Street N E
45th Floor
Atlanta, GA 30303

| EXAMINER |
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COLIN, CARL G

| ART UNIT | PAPER NUMBER |
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2136

DATE MAILED: 03/12/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,018

Applicant(s)

TAYLOR ET AL.

Examiner

Carl Colin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Pursuant to USC 131, claims 1-14 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: on page 4, line 15, reference number "115" should be --135--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the Reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.1 **Claims 1-11 and 13-14** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,434,615 to **Dinh et al.**

3.2 **As per claims 1 and 7, Dinh et al.** discloses a computer-implemented process for assessing the vulnerability of a workstation to a security compromise, comprising the steps: issuing a request for a scanner from a browser operating on the workstation to a network server via a computer network (see column 7, lines 14-26); transmitting the scanner from the network server to the workstation via the computer network, the scanner installable within the browser and operative to complete a vulnerability assessment of the workstation (see column 7, lines 14-67); and generating workstation credentials in response to the scanner conducting the vulnerability assessment of the workstation (see column 7, lines 1-13 and lines 18 et seq.).

As per claim 2, Dinh et al. discloses the limitation of further comprising the step of presenting the workstation credentials to the user of the workstation (see column 7, lines 21-26).

As per claim 3, Dinh et al. discloses the limitation of further comprising the step of transmitting the workstation credentials to the network server via the computer network (see column 7, lines 27-35).

As per claim 4, Dinh et al. discloses the limitation of further comprising the step of completing a repair operation by the scanner to address a security vulnerability identified by the

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scanner in response to completing the vulnerability assessment of the workstation (see column 8, lines 24-36).

As per claim 5, Dinh et al. discloses the limitation of wherein the scanner comprises a plug-in control operable with the browser and a data file defining security vulnerabilities (see column 8, lines 11-23).

As per claims 6 and 14, Dinh et al. discloses the limitation of wherein the step of issuing a request for a scanner comprises the browser issuing a request for a Web page at the network server, the Web page hosting the scanner as a plug-in control available for installation with the browser (see column 7, lines 40-44).

As per claims 8-10, Dinh et al. discloses a computer-implemented process for authenticating a workstation requesting a software service, comprising the steps: issuing a request for a scanner to a network server from a browser operating on the workstation (see column 7, lines 14-26); transmitting the scanner and a workstation policy from the network server to the workstation via the computer network, the scanner installable within the browser and operative to generate workstation credentials by completing a vulnerability assessment of the workstation (see column 7, lines 27-64 and column 8, lines 24-33); comparing the workstation credentials to the workstation policy on the workstation to determine whether the workstation should be granted access to the software service (see column 7, lines 27-64 and column 8, lines 24-33).

As per claim 9, **Dinh et al.** discloses the limitation of wherein the step of issuing a request for a scanner comprises the browser issuing a request for a Web page at the network server, the Web page hosting the scanner as a control operable with the browser (see column 7, lines 40-44).

As per claims 11 and 13, claim 11 recites some of the limitations of the rejected claims 1 and 8. Therefore claim 11 is rejected on the same rationale as the rejection of claims 1 and 8.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1 **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,434,615 to **Dinh et al.** in view of US Patent 6,584,454 to **Hummel, Jr. et al.**

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4.2 As per claim 12, **Dinh et al.** substantially teaches the limitation of wherein the network server comprises a CGI script and the step of determining whether the workstation should be granted access to the network service comprises the CGI script comparing the workstation credentials to a workstation security policy maintained at the network server to determine whether the workstation should be granted access to the network service (see column 7, lines 27-64 and column 8, lines 24-33); if the workstation credentials satisfy the workstation security policy, then authorizing access to the network service and directing the browser to the log-in page via the computer network, otherwise, denying access to the network service and delivering an access denied page to the workstation via the computer network. **Dinh et al.** discloses that the invention can be embodied in corporate network (see column 8, line 24-33) wherein security would be more of a factor, but does not explicitly state displaying a log-in page and access denied page. It is well known in the art that if the request is valid the browser will display a log-in page otherwise a denied page. However, **Hummel, Jr. et al.** in an analogous art teaches providing a log-in page and providing an error message when denying access to the network service (see column 9, line 44 through column 10, line 12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Dinh et al.** to provide an error page as taught by **Hummel, Jr. et al.** to provide delivery of protected software wherein business rules are utilized to authenticate and authorize access to users (see abstract). This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Hummel, Jr. et al.** so as to authenticate and authorize access to users.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses the use of servicing workstations through browser application.

US Patent: 6,429,952 Olbricht

5.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

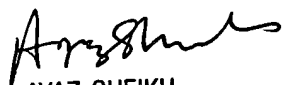
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cc

Carl Colin

Patent Examiner

March 5, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100